

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOHN DOE,

Plaintiff,

-against-

MEMORANDUM & ORDER
20-CV-6121(EK)(RML)

JACQUES BERMAN WEBSTER II,

Defendant.

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ERIC KOMITEE, United States District Judge:

Plaintiff "John Doe" filed this complaint against Jacques Berman Webster II, a recording artist who performs under the name Travis Scott. Plaintiff alleges, among other things, that Webster used "mind control tactics" against him at a concert of Webster's in Brooklyn, in an effort to undermine Plaintiff's "debut musical project" called "Lowkey." Plaintiff previously filed similar actions against recording artists Robyn Fenty (Rihanna), *Doe v. Fenty*, 20-CV-2461, and Aubrey Graham (Drake), *Doe v. Graham*, 20-CV-4069, which the Court dismissed in an Order dated October 16, 2020.¹ Order, 20-CV-2461, ECF No. 7; Order, 20-CV-2461, ECF No. 5. For the same reasons stated in the Court's October 16th Order, this fee-paid action is dismissed

¹ Plaintiff uses the pseudonym "John Doe" in these lawsuits. However, the complaints in each case are formatted nearly identically and they have similar claims – including that various recording artists are sabotaging Plaintiff's "Lowkey" project. This suggests that the same "John Doe" filed all three lawsuits.

as frivolous. *Livingston v. Adirondack Beverage Co.*, 141 F.3d 434, 437 (2d Cir. 1998) ("An action is frivolous when "either: (1) the factual contentions are clearly baseless, such as when allegations are the product of delusion or fantasy; or (2) the claim is based on an indisputably meritless legal theory."). In addition, the Court concludes that it would be futile to grant leave to amend. See *O'Hara v. Weeks Marine, Inc.*, 294 F.3d 55, 69 (2d Cir. 2002) ("[A] district court may deny leave to amend the complaint if the amendment would be futile.").

The complaint is therefore dismissed. The Clerk of Court is respectfully requested to send a copy of this Memorandum and Order to Plaintiff, enter judgment, and close this case. In the event that Plaintiff elects to proceed *in forma pauperis* on appeal from this Order, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any such appeal would not be taken in good faith and therefore denies *in forma pauperis* status. See *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

/s Eric Komitee
ERIC KOMITEE
United States District Judge

Dated: January 20, 2021
Brooklyn, New York